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September 14, 2020

BY ECF AND HAND DELIVERY

Hon. Kevin McNulty, U.S.D.J.
United States District Court
District of New Jersey
M.L. King, Jr. Federal Building
and U.S. Courthouse
50 Walnut Street
Newark, New Jersey 07102

Re: *In re Mercedes-Benz Emissions Litigation*
Civil Action No. 2:16-0881 (KM) (ESK)

Dear Judge McNulty:

This firm, along with Hagens Berman Sobol Shapiro LLP and Seeger Weiss LLP, represent Plaintiffs in the above-referenced action. We write on behalf of all parties to request modification of the Court's April 11, 2019 Order appointing the Hon. Dennis M. Cavanaugh, U.S.D.J. (Ret.) as special discovery master pursuant to Rule 53(a). *See* ECF No. 195. During our last conference with Special Master Cavanaugh he suggested that we forward this letter and proposed form of Order directly to Your Honor.

Plaintiffs and Daimler AG and Mercedes-Benz USA LLC ("Mercedes Defendants") have entered into a settlement agreement, and Plaintiffs have filed a motion for preliminary approval of that class settlement ("Preliminary Approval Motion"). ECF No. 299.

All parties, including Robert Bosch GmbH and Robert Bosch LLC, have reached an agreement to request that the Court expand the authority of Special Master Cavanaugh to address all pending and future motions and applications for settlement pursuant to Rule 23 (including but not limited to preliminary and final approval of any proposed settlement and any motion for attorneys' fees and costs). The pending Preliminary Approval Motion is closely interrelated with the Mercedes

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Defendants' separate settlement with federal and California state agencies filed in the District Court for the District of Columbia [Case No. 1:20-cv-02564] and requires an expedited process to evaluate whether to preliminarily approve the class settlement. Given the complexity of this case, the judicial vacancies in this District, and the timing considerations required by the separate settlement with federal and California state agencies, the parties believe that it is appropriate for Special Master Cavanaugh to oversee the settlement approval process. Special Master Cavanaugh has substantial expertise and familiarity with the facts and parties of this case. In addition, given his experience as a judge in this District, Special Master Cavanaugh has extensive experience overseeing the settlement approval process. For these reasons, the parties respectfully submit that modification of the appointment order is appropriate under Rule 53(a)(1) to allow Special Master Cavanaugh to oversee settlement proceedings.

Accordingly, we respectfully request that Your Honor "So Order" the enclosed order and place it on the docket. We appreciate the Court's consideration of this matter. The parties are available at Your Honor's convenience to answer any questions.

Respectfully submitted,

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cc: Hon. Edward S. Kiel, U.S.M.J.
Hon. Dennis M. Cavanaugh (Ret.)
All Counsel of Record